

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-3, 5-15 and 17-27 were originally pending, of which Claims 1, 9, 10, 12, 13, 21, 22 and 25 are independent. In addition, Claims 1-3, 5-15 and 17-27 are subject to a Restriction requirement.

Complete Restriction Requirement under MPEP §§ 815 and §817

The Applicant expects that the Requirement is a complete administrative requirement as mandated under MPEP §§ 815 and 817, and that no further restriction requirements will be imposed on this application. If the Requirement is not complete, the Applicant respectfully further traverses the current Requirement as failing to comply with the provisions of MPEP §§ 815 and 817 and respectfully requests that the Requirement be withdrawn and a new, complete restriction requirement be issued.

Improper Restriction Requirement

MPEP 803 sets forth the requirements for identifying when a restriction requirement of patentably distinct inventions is proper. As stated therein, a restriction requirement between patentably distinct inventions is proper if the inventions are independent or distinct **and** if “there would be a serious burden on the examiner if restriction is not required. As also stated therein, “a serious burden on the examiner may be *prima facie* shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02.”

In the instant case, regardless of whether the claims grouped in Group I and the claims grouped in Group II are considered to be independent or distinct, the Official Action has failed to *prima facie* establish that a serious burden exists because, as stated in paragraph 3 of the Official Action, Claims 1-3, 5-8, 10, 11, 13-15, and 17-20 of Group I, Claims 9, 12, and 21 of Group II, and Claims 22-27 of Group III are deemed to be classified in the same class and subclass (707/1). In fact, each of these groups of claims is described as being “drawn to an application of database or data structure in which data access by processing is augmented.”

Clearly, therefore, the Official Action has failed to establish that a serious burden on the examiner would exist if the restriction is not required, and the Restriction Requirement is improper.

Accordingly, the Restriction requirement is clearly improper and should be withdrawn.

Restriction Requirement

The aforementioned Restriction Requirement asserts that the present application contains claims that are directed to three distinct groups of inventions.

Group I: Claims 1-3, 5-8, 10, 11, 13-15, and 17-20, drawn to an application of database or data structure in which data access by processing is augmented.

Group II: Claim 9, 12, and 21, drawn to an application of database or data structure in which data access by processing is augmented.

Group III: Claims 22-27, drawn to an application of database or data structure in which data access by processing is augmented.

A restriction requirement has been imposed requiring an election of one of the groups on the alleged basis that the above-identified groups are distinct or independent from each other and that there would be a serious search burden if the restriction requirement is not imposed.

In response to that restriction requirement, Applicants hereby elect, with traverse, Group I, directed to Claims 1-3, 5-8, 10, 11, 13-15, and 17-20.

The election is made with traverse because it is believed that all of the claims of this application can be examined at the same time without serious burden. The search required for the non-elected groups would likely be co-extensive with that required for the elected group, for at least the reasons set forth above. As such, the search required for elected Claims 1-3, 5-8, 10, 11, 13-15, and 17-20 will, in most likelihood, encompass a search for the non-elected claims. As stated in Section 803 of the MPEP and discussed above, “If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.”

It is thus submitted that no serious burden would result if all of the embodiments of this application were examined concurrently. Accordingly, withdrawal of the restriction requirement and examination of all of the claims contained in this application, are respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the restriction requirement and examination of all of the claims of this application are respectfully requested.

PATENT

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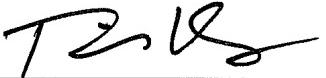
Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: March 2, 2009

By



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